

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES D. RIEL,

Petitioner,

No. CIV S-01-0507 LKK DAD

vs.

DEATH PENALTY CASE

WARDEN, San Quentin  
State Prison,

Respondent.

ORDER

On November 16, 2011, the undersigned heard argument regarding the effects of the decision in Cullen v. Pinholster, \_\_\_ U.S. \_\_\_, 131 S. Ct. 1388 (2011) on these proceedings. Attorneys Tivon Schardl and Robert Bacon appeared for petitioner. Deputy Attorney Generals Tami Krenzin and Heather Gimle appeared for respondent.

Given the recent decisions in Pinholster and Harrington v. Richter, \_\_\_ U.S. \_\_\_, 131 S. Ct. 770 (2011), the parties agreed at the hearing that it would be appropriate at this time for them to brief the satisfaction of 28 U.S.C. §2254(d) with respect to the claims which are the subject of the evidentiary hearing ordered in 2008 and for claim 36, the subject of petitioner's March 14, 2011 motion to expand the record. See Doc. Nos. 204, 212, and 470.

////

Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

1. Within sixty days of the filed date of this order, petitioner shall file a memorandum of points and authorities addressing the satisfaction of 28 U.S.C. §2254(d) with respect to claims 2, 5, 6, 9, and 36 of the first amended petition. Respondent shall file an opposition within forty-five days of the filing date of petitioner's brief. Petitioner may file a reply within thirty days thereafter.

2. Each memorandum shall be complete in and of itself and shall not incorporate by reference prior briefing.

3. After receipt of these briefs, the court will schedule oral argument.

DATED: November 16, 2011.

  
\_\_\_\_\_  
DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

riel 2254 brfs.or